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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 18, 2004

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Ingram, absent and formally excused by the Chair; and Senators Andreason, Calabretta, Cameron, Darrington, Malepeai, McWilliams, Noble, Schroeder, and Stegner, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Tiffany Lee, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Darrington was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 17, 2004, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

President Risch assumed the Chair.

Senators Andreason, Calabretta, McWilliams, Malepeai, and Stegner were recorded present at this order of business.

March 17, 2004

The JUDICIARY AND RULES Committee reports that **S 1262**, as amended, **S 1275**, **S 1353**, **S 1367**, **S 1379**, **S 1394**, **S 1407**, **S 1432**, **S 1433**, and **S 1434** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1262**, as amended, **S 1275**, **S 1353**, **S 1367**, **S 1379**, **S 1394**, **S 1407**, **S 1432**, **S 1433**, and **S 1434** and ordered them transmitted to the House for the signature of the Speaker.

March 17, 2004

The JUDICIARY AND RULES Committee reports that **S 1354**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1354, as amended, was filed for first reading.

March 17, 2004

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 528**, **H 539**, **H 603**, **S 1354**, **H 780**, **H 544**, as amended, **H 745**, and **H 755** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 130** and **SCR 131** were delivered to the Office of the Secretary of State at 1:38 p.m., March 17, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2004

The JUDICIARY AND RULES Committee reports that Enrolled **S 1298**, **S 1302**, **S 1345**, **S 1372**, **S 1415**, **S 1423**, **S 1424**, **S 1425**, **S 1426**, **S 1427**, and **S 1428** were delivered to the Office of the Governor at 1:45 p.m., March 17, 2004.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 17, 2004

The FINANCE Committee reports out **H 837**, **H 838**, **H 839**, **H 840**, and **H 841** with the recommendation that they do pass.

CAMERON, Chairman

H 837, H 838, H 839, H 840, and H 841 were filed for second reading.

March 17, 2004

The AGRICULTURAL AFFAIRS Committee reports out **H 836, H 806, and H 816**, as amended, with the recommendation that they do pass.

WILLIAMS, Chairman

H 836, H 806, and H 816, as amended, were filed for second reading.

March 18, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 799**, as amended, and **H 828** with the recommendation that they do pass.

BUNDERSON, Chairman

H 799, as amended, and **H 828** were filed for second reading.

March 18, 2004

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 760**, as amended, and **H 761**, as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 760**, as amended, and **H 761**, as amended, were referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 17, 2004

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1387

Sincerely,
/s/ Dirk Kempthorne
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 17, 2004

Mr. President:

I return herewith **S 1283, S 1232**, as amended, **S 1289, S 1292, S 1416, S 1391, S 1440, S 1350**, as amended, **S 1373**, as amended, **S 1438**, and **S 1288** which have passed the House.

JUKER, Chief Clerk

S 1283, S 1232, as amended, **S 1289, S 1292, S 1416, H 1391, S 1440, S 1350**, as amended, **S 1373**, as amended, **S 1438**, and **S 1288** were referred to the Judiciary and Rules Committee for enrolling.

March 17, 2004

Mr. President:

I transmit herewith Enrolled **HJM 18, HCR 55, HCR 44, H 495, H 549, H 540, H 569, H 622, H 618, H 614, H 615, H 571, H 642, H 644, H 623, H 700, H 516, H 649, H 663, H 511, H 558**, as amended, **H 559, H 563, H 608, H 474, H 475, H 568, H 762, H 763, H 764, H 766, H 767, H 668, H 519, H 593, H 661, H 643, H 581**, and **H 524**, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HJM 18, HCR 55, HCR 44, H 495, H 549, H 540, H 569, H 622, H 618, H 614, H 615, H 571, H 642, H 644, H 623, H 700, H 516, H 649, H 663, H 511, H 558**, as amended, **H 559, H 563, H 608, H 474, H 475, H 568, H 762, H 763, H 764, H 766, H 767, H 668, H 519, H 593, H 661, H 643, H 581**, and **H 524**, as amended in the Senate, and ordered them returned to the House.

March 17, 2004

Mr. President:

I return herewith Enrolled **S 1430** and **S 1431** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1430** and **S 1431** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Cameron and Schroeder were recorded present at this order of business.

The President announced that **HJM 20** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Little, seconded by Senator Stennett, **HJM 20** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HJM 22** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **HJM 22** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 54** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Stennett, **HCR 54** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SJM 110** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Little, **SJM 110** was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that **HJM 21** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Bailey, seconded by Senator Stennett, **HJM 21** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HJM 25** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Brandt, seconded by Senator Bailey, **HJM 25** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

Senator Noble was recorded present at this order of business.

The President announced that **HJM 23**, as amended, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Noh, seconded by Senator Burkett, **HJM 23**, as amended, was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that **HJM 24** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Noh, seconded by Senator Stennett, **HJM 24** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of Dyke Nally was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Stennett, the Gubernatorial appointment of Dyke Nally as Superintendent of the Idaho State Liquor Dispensary was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that **SCR 134** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that **SCR 134** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Cameron, Compton, Davis, Geddes, Goedde, Hill, Ingram, Keough, McKenzie, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 21.

NAYS--Calabretta, Darrington, Gannon, Kennedy, Little, Lodge, Malepeai, Marley, McWilliams, Noh, Stennett, Werk. Total - 12.

Absent and excused--Brandt, Burkett. Total - 2.

Total - 35.

Whereupon the President declared **SCR 134** adopted, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 528, as amended in the Senate, by Business Committee, was read the first time at length and filed for second reading.

H 539, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 603, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

H 780, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

H 544, as amended, as amended in the Senate, by Environmental Affairs Committee, was read the first time at length and filed for second reading.

H 745, as amended in the Senate, by Ways and Means Committee, was read the first time at length and filed for second reading.

H 755, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1354, as amended, by Education Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 803, H 812, H 515, and H 811, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Little, granted by unanimous consent, **S 1392**, having been held, retained its place on the Third Reading Calendar.

S 1446 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Darrington, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Sweet, Werk, Williams. Total - 26.

NAYS--None.

Absent and excused--Brandt, Calabretta, Cameron, Compton, Davis, Geddes, Schroeder, Stegner, Stennett. Total - 9.

Total - 35.

Whereupon the President declared **S 1446** passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator McKenzie to the Chair.

S 1417 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Call of the Senate was requested by Senators Noh, Darrington, and Burtenshaw.

Whereupon the Acting President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present.

On request by Senator Noh, granted by unanimous consent, the Call was lifted.

The question being, "Shall **S 1417** pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1417** passed, title was approved, and the bill ordered transmitted to the House.

S 1279, as amended, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **S 1279**, as amended, as amended in the House, passed, title was approved, and the bill was referred to Judiciary and Rules Committee for enrolling.

H 789 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 789** passed, title was approved, and the bill ordered returned to the House.

H 790 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 790** passed, title was approved, and the bill ordered returned to the House.

H 791 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 791** passed, title was approved, and the bill ordered returned to the House.

H 792 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 792** passed, title was approved, and the bill ordered returned to the House.

H 793 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stennett, Sweet, Williams. Total - 23.

NAYS--Calabretta, Kennedy, Werk. Total - 3.

Absent and excused--Andreason, Bailey, Burkett, Davis, Gannon, Geddes, Noh, Schroeder, Stegner. Total - 9.

Total - 35.

Whereupon the Acting President declared **H 793** passed, title was approved, and the bill ordered returned to the House.

H 794 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stennett, Sweet, Werk, Williams. Total - 26.

NAYS--Keough. Total - 1.

Absent and excused--Bailey, Cameron, Davis, Gannon, Geddes, Noh, Schroeder, Stegner. Total - 8.

Total - 35.

Whereupon the Acting President declared **H 794** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 795**, **H 801**, and **H 805** retained their place on the Third Reading Calendar.

H 818 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the Acting President declared **H 818** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 819 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 819** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 820** and **H 821** retained their place on the Third Reading Calendar.

H 822 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 822** passed, title was approved, and the bill ordered returned to the House.

H 823 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 823** passed, title was approved, and the bill ordered returned to the House.

H 824 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 824** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 795**, having been held, was placed before the Senate for consideration at this time.

H 795 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Calabretta, Marley, Stennett, Werk. Total - 4.

Absent and excused--Cameron, Geddes, Noh, Schroeder. Total - 4.

Total - 35.

Whereupon the President declared **H 795** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:15 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason, Brandt, Cameron, Compton, Keough, Schroeder, Stennett, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 18, 2004

Mr. President:

I transmit herewith **H 832** which has passed the House.

JUKER, Chief Clerk

H 832 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 832, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

Senators Andreason, Compton, Keough, Stennett, and Werk were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

The President announced that **H 616**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Davis, Hill. Total - 2.

Absent and excused--Brandt, Cameron, Pearce, Schroeder. Total - 4.

Total - 35.

Whereupon the President declared **H 616** passed, title was approved, and the bill ordered returned to the House.

H 739 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Brandt, Cameron, Pearce, Schroeder. Total - 4.

Total - 35.

Whereupon the President declared **H 739** passed, title was approved, and the bill ordered returned to the House.

H 753 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Calabretta, Compton, Gannon, Goedde, Ingram, Keough, Malepeai, Marley, McKenzie, McWilliams, Sorensen, Stennett, Sweet. Total - 17.

NAYS--Burtenshaw, Darrington, Davis, Geddes, Hill, Kennedy, Little, Lodge, Noble, Noh, Richardson, Stegner, Werk, Williams. Total - 14.

Absent and excused--Brandt, Cameron, Pearce, Schroeder. Total - 4.

Total - 35.

Whereupon the President declared **H 753** passed, title was approved, and the bill ordered returned to the House.

H 602 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Brandt, Cameron, Pearce, Schroeder.
Total - 4.

Total - 35.

Whereupon the President declared **H 602** passed, title was approved, and the bill ordered returned to the House.

Senator Brandt was recorded present at this order of business.

H 696, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Calabretta, Compton, Darrington, Davis, Ingram, Kennedy, Keough, Little, Malepeai, Marley, McWilliams, Noh, Stegner, Stennett, Werk. Total - 19.

NAYS--Bailey, Burtenshaw, Gannon, Geddes, Goedde, Hill, Lodge, McKenzie, Noble, Richardson, Sorensen, Sweet, Williams. Total - 13.

Absent and excused--Cameron, Pearce, Schroeder.
Total - 3.

Total - 35.

Whereupon the President declared **H 696**, as amended, passed, title was approved, and the bill ordered returned to the House.

Senators Cameron and Schroeder were recorded present at this order of business.

H 592 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Calabretta. Total - 1.

Absent and excused--Brandt, Burkett, Gannon, McWilliams, Pearce. Total - 5.

Total - 35.

Whereupon the President declared **H 592** passed, title was approved, and the bill ordered returned to the House.

H 634, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burtenshaw and Noh arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Burtenshaw, Cameron, Darrington, Gannon, Geddes, Goedde, Hill, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Richardson, Sweet, Williams. Total - 17.

NAYS--Andreason, Bailey, Bunderson, Burkett, Calabretta, Compton, Davis, Ingram, Kennedy, Keough, Malepeai, Marley, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 17.

Absent and excused--Pearce. Total - 1.

Total - 35.

A tie vote having resulted in the roll call, the President voted AYE, and declared **H 634**, as amended, passed, title was approved, and the bill ordered returned to the House.

The President called Senator Lodge to the Chair.

H 609, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Calabretta. Total - 1.

Absent and excused--Cameron, Davis, Pearce, Sorensen, Stegner. Total - 5.

Total - 35.

Whereupon the Acting President declared **H 609**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 686 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Stegner, Stennett, Sweet, Werk. Total - 26.

NAYS--Little, Pearce. Total - 2.

Absent and excused--Andreason, Cameron, Ingram, Richardson, Schroeder, Sorensen, Williams. Total - 7.

Total - 35.

Whereupon the Acting President declared **H 686** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 645 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Calabretta, Compton, Gannon, Goedde, Ingram, Keough, Little, Malepeai, Marley, McWilliams, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 19.

NAYS--Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill, Kennedy, Lodge, McKenzie, Pearce, Sweet, Williams. Total - 13.

Absent and excused--Andreason, Noble, Richardson. Total - 3.

Total - 35.

Whereupon the President declared **H 645** passed, title was approved, and the bill ordered returned to the House.

H 620 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Call of the Senate was requested by Senators Noh, Werk, and Keough.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present.

On request by Senator Noh, granted by unanimous consent, the Call was lifted.

The question being, "Shall **H 620** pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 620** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 18, 2004

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 835** with the recommendation that it do pass.

ANDREASON, Chairman

H 835 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On request by Senator Compton, granted by unanimous consent, **H 799**, as amended, retained its place on the Third Reading Calendar.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 528**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 528**, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 528, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

Whereupon the President declared **H 528**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 539**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 539**, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 539, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Pearce, Richardson, Sweet, Williams. Total - 21.

NAYS--Andreason, Burkett, Calabretta, Compton, Kennedy, Marley, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 12.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

Whereupon the President declared **H 539**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 603**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 603**, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 603, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McWilliams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Compton, Gannon, Goedde, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 21.

NAYS--Cameron, Darrington, Davis, Geddes, Hill, Keough, Noh, Pearce, Sorensen, Sweet. Total - 10.

Absent and excused--Brandt, Burkett, Calabretta, Noble. Total - 4.

Total - 35.

Whereupon the President declared **H 603**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 780**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 780**, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 780, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron and Hill arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

Whereupon the President declared **H 780**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 544**, as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 544**, as amended, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 544, as amended, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Kennedy, Marley, Stennett, Werk. Total - 5.

Absent and excused--Andreason, Bunderson, Calabretta, Malepeai, Noble. Total - 5.

Total - 35.

Whereupon the President declared **H 544**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Stegner, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 745**, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 745**, as amended in the Senate, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Bunderson, Noble. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 745, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senators Noh and Cameron arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 27.

NAYS--Burkett, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 745**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 755**, as amended in the Senate, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 755**, as amended in the Senate, was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 755, as amended in the Senate, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Schroeder. Total - 1.

Absent and excused--Noble. Total - 1.

Total - 35.

Whereupon the President declared **H 755**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Marley, that all rules of the Senate interfering with the immediate passage of **H 799**, as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 799**, as amended, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 799, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Burkett. Total - 1.

Absent and excused--Andreason, Noble. Total - 2.

Total - 35.

Whereupon the President declared **H 799**, as amended, passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Stegner, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1354**, as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1354**, as amended, was read the second time by title and the third time at length, section by section, and put upon its final passage.

S 1354, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Burkett, Calabretta, Compton, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 8.

NAYS--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Keough, Little, Lodge, McKenzie, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 24.

Absent and excused--Ingram, McWilliams, Schroeder. Total - 3.

Total - 35.

Whereupon the President declared that **S 1354**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 837** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 837** was read the second time by title and the third time at length, section by section, and put upon its final passage.

The President called President Pro Tempore Geddes to the Chair.

Senator Calabretta requested and received an excused absence for the remainder of this legislative day.

H 837 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Williams. Total - 33.

NAYS--Werk. Total - 1.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 837** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 838** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 838** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 838 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 30.

NAYS--Keough. Total - 1.

Absent and excused--Andreason, Bailey, Calabretta, Gannon. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 838** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 839** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 839** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 839 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Burtenshaw arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--None.

Absent and excused--Andreason, Bailey, Calabretta, Gannon. Total - 4.

Total - 35.

Whereupon the President Pro Tempore declared **H 839** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 840** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 840** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 840 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 840** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 841** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 841** was read the second time by title and the third time at length, section by section, and put upon its final passage.

H 841 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Sweet, Werk, Williams. Total - 32.

NAYS--Schroeder, Stennett. Total - 2.

Absent and excused--Calabretta. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 841** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Little to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Little, Chairman of the Committee of the Whole, reported out **H 756**, without recommendation and without amendment; and **H 777**, **H 760**, as amended, and **H 761**, as amended, without recommendation, amended as follows:

SENATE AMENDMENT TO H 777 AMENDMENT TO THE BILL

On page 2 of the printed bill, delete lines 14 through 16 and insert:

"SECTION 3. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(2) Announces publicly or files for office.

(3) For purposes of this chapter, an incumbent shall be presumed to be a candidate in the subsequent election for his or her office. Contributions received by an incumbent candidate shall not be in excess of the prescribed contribution limits for the subsequent election by which the incumbent candidate's name would first appear on the ballot. An incumbent shall no longer be a candidate for his or her office after the deadline for the filing of a declaration of candidacy to first appear on the ballot for that office has expired.

(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the

candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars (\$25.00) personally paid for by any volunteer campaign worker. "Part-time" services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(g) "Independent expenditure" means any expenditure by a person for a communication expressly advocating the election, passage or defeat of a clearly identified candidate or measure that is not made with the cooperation or with the prior consent of, or in consultation with, or at the consent of, or in consultation with, or at the request of a suggestion of, a candidate or any agent or authorized committee of the candidate or political committee supporting or opposing a measure. As used in this subsection, "expressly advocating" means any communication containing a message advocating election, passage or defeat including, but not limited to, the name of the candidate or measure, or expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat" or "reject."

(h) "Lobby" and "lobbying" each means attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(i) "Lobbyist" includes any person who lobbies.

(j) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(k) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum or revision of or amendment to the state constitution. An initiative or referendum proposal shall be deemed a measure when the attorney general reviews it and gives it a ballot title.

(l) "Nonbusiness entity" means any group (of two (2) or more individuals), corporation, association, firm, partnership, committee, club or other organization which:

(1) Does not have as its principal purpose the conduct of business activities for profit; and

(2) Received during the preceding calendar year contributions, gifts or membership fees, which in the aggregate exceeded ten percent (10%) of its total receipts for such year.

(m) "Person" means an individual, corporation, association, firm, partnership, committee, political party, club or other organization or group of persons.

(n) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars (\$500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures. Any entity registered with the federal election commission shall not be considered a political committee for purposes of this chapter.

(3) A county, district or regional committee of a recognized political party shall not be considered a political committee for the purposes of this chapter unless such party committee has expenditures exceeding five thousand dollars (\$5,000) in a calendar year.

(o) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(p) "Public office" means any state office or position, state senator, state representative, and judge of the district court that is filled by election.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval."

CORRECTION TO TITLE

On page 1, delete line 10 and insert: "SONAL USE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6602, IDAHO CODE, TO FURTHER DEFINE THE TERM "CANDIDATE"; AND DECLARING AN EMERGENCY."

SENATE AMENDMENT TO H 760, As Amended AMENDMENT TO SECTION 2

On page 5 of the engrossed bill, delete lines 9 through 37; and in line 38, delete "(10)" and insert: "(9)".

CORRECTION TO TITLE

On page 1, delete lines 9 and 10 and insert: "CARRYOVER OF UNUSED CREDITS AND TO PROVIDE PROCEDURES; AMENDING SECTION 63-3029J, IDAHO CODE, TO PROVIDE AN INCOME".

SENATE AMENDMENT TO H 761, As Amended AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, delete lines 7 through 35.

CORRECTION TO TITLE

On page 1, delete lines 6 and 7 and insert: "DEFINE TERMS AND TO PROVIDE FOR CARRYOVER AUTHORITY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND".

The Committee also has **S 1233, S 1286, S 1375, H 676**, as amended, **S 1284**, as amended, and **S 1419** under consideration, reports progress, and begs leave to sit again

LITTLE, Chairman

On motion by Senator Little, seconded by Senator Stennett, the report was adopted by voice vote.

H 777, as amended in the Senate, **H 760**, as amended, as amended in the Senate, and **H 761**, as amended, as amended in the Senate, were filed for first reading as amended and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 756 was filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

Senator Noh requested and received an excused absence for the remainder of this legislative day.

On request by Senator Schroeder, granted by unanimous consent, **S 1392** retained its place on the Third Reading Calendar for Monday, March 22, 2004.

H 801, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Gannon, Malepeai, Marley, McWilliams, Schroeder, Stennett, Werk. Total - 7.

Absent and excused--Burkett, Calabretta, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 801** passed, title was approved, and the bill ordered returned to the House.

H 805, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Calabretta, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 805** passed, title was approved, and the bill ordered returned to the House.

H 820, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Calabretta, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 820** passed, title was approved, and the bill ordered returned to the House.

H 821, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Burkett, Calabretta, Noh. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 821** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

H 512, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Sweet, Williams. Total - 25.

NAYS--Burkett, Davis, Kennedy, Malepeai, Marley, Stegner, Stennett, Werk. Total - 8.

Absent and excused--Calabretta, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 512**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 638 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Calabretta, Noh. Total - 2.

Total - 35.

Whereupon the President declared **H 638** passed, title was approved, and the bill ordered returned to the House.

Senator Pearce called for **HJR 9** to be reported forthwith from the State Affairs Committee, pursuant to Senate Rule 14(E).

Moved by Senator Sorensen, seconded by Senator Schroeder, that the Senate adjourn, pursuant to Senate Rule 28(C). The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Sweet, Pearce, and Davis.

Roll call resulted as follows:

AYES--Andreason, Bailey, Burkett, Compton, Gannon, Goedde, Ingram, Kennedy, Keough, Little, Malepeai, McWilliams, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 17.

NAYS--Brandt, Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill, Lodge, Marley, McKenzie, Noble, Pearce, Richardson, Sweet, Williams. Total - 16.

Absent and excused--Calabretta, Noh. Total - 2.

Total - 35.

Whereupon the President declared that the motion prevailed and declared the Senate adjourned at 8:39 p.m., until the hour of 9:30 a.m., Friday, March 19, 2004.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary